



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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Rick Vashaw
Mount Washington Hotel
Route 302
Bretton Woods, New Hampshire 03575

LETTER OF DEFICIENCY
WMB PBF 02-11
March 1, 2002

Dear Mr. Vashaw

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On February 26, 2002, DES inspected the following public bathing facilities at the Mount Washington Hotel, in Carroll, NH: the indoor pool ("Indoor Pool") and spa ("Spa") and the outdoor pool ("Outdoor Pool"). During this inspection the following deficiencies were noted:

A recommendation to close and drain the Spa was issued on February 28, 2002. The inspection on February 26, 2002 revealed that the Spa was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violation was observed in the Spa water:

- (a) The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Spa water contained greater than 200 CTS/100mL.

Env-Ws 1105.01(j) requires a rope with attached floats a ("breakpoint safety line") to be placed across public pools over the break in depth between the shallow and deep portions of the pool. A breakpoint safety line was not present in the Outdoor Pool at the time of the inspection. A breakpoint safety line was not present in the Indoor Pool at the time of the inspection.

- 3 Pursuant to Env-Ws 1104.03(b), the operator shall be responsible for posting conspicuously displayed signs informing patrons of the DES rules relative to patron responsibilities (enclosed copy) and any other safety rules developed by the bathing facility management. Patron rules were not posted at the Outdoor Pool at the time of the inspection.

Pursuant to Env-Ws 1104.03(c), signs shall provide the location of the nearest telephone. The location of the nearest telephone was not posted at the Outdoor Pool at the time of the inspection.

Env-Ws 1104.03(e)(1) states that the depth of water in feet shall be plainly and conspicuously marked at or above the water line on the vertical pool wall and on the top of the coping or edge of the deck or walk next to the pool. The depth of the Outdoor Pool was not marked on the vertical pool wall of the Outdoor Pool.

6. Pursuant to Env-Ws 1103.11, all outdoor swimming pools shall have a wall, fence or other enclosure constructed around the entire pool or recreational area, which shall include self-closing and self-latching gates and shall be a minimum of 4 feet high measured on the inside and outside. The enclosure surrounding the Outdoor Pool does not include self-closing and latching gates.

Env-Ws 1105.01(k)(19) requires pool filtration systems to include a flow meter. The filtration system for the Outdoor Pool did not include a flow meter.

8. Swimming pool hydraulic design and filter systems shall comply with Env-Ws 1105.01(k). The circulation and filtration system for the Outdoor Pool does not comply with Env-Ws 1105.01(k) (2), (15), (17), or (19-b, c, d).

A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 60 calendar days from receipt of this letter. The report should include the following:

- A copy of two weeks of water quality test results for all facilities (please do not send originals).
- 2. The type, manufacture, and model of the flow meter to be installed.
- 3. Plans on how to up grade the Outdoor Pool circulation.
- 4. A timetable of when:
 - a. the safety items will be in place,
 - b. the depth will be marked,
 - c. patron rules will be posted,
 - d. Outdoor Pool up grade will be completed, and
 - e. the installation of the flow meter will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspection in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

COPY

Jody Connor
Limnology Center Director

enclo:

Gretchen C. Rule, Enforcement Coordinator, DES
Russell A. Nylander, P.E., Chief Engineer, WD/DES
Amy Wilson, Public Bathing Facility Coordinator, DES
Edward J. Daniels, Health Officer, Town of Carroll